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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SIMON S. YUAN,

Defendants.

Case No. CR-07-0338-JF

**STIPULATION AND [PROPOSED]
ORDER RE-SCHEDULING
SENTENCING HEARING**

IT IS HEREBY STIPULATED between the parties that the defendant's sentencing hearing, currently scheduled for Wednesday, January 16, 2008 at 9:00 a.m. shall be vacated, and subject to the approval of the Court, a new sentencing hearing date of Wednesday, February 6, 2008 at 9:00 a.m. shall be set.

IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO
United States Attorney

Dated: January 9, 2008

/s/ Cynthia Stier
CYNTHIA STIER
Assistant United States Attorney
Tax Division

BAKER & MCKENZIE LLP

Dated: January 9, 2008

/s/ Scott H. Frewing
SCOTT H. FREWING
Attorneys for Simon Yuan

1 Pursuant to General Order No. 45, Section X(B), Cynthia Stier hereby attests that the
2 signatory's concurrence in the filing of this document has been obtained.

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4 IT IS SO ORDERED.

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6 Dated: 1/14/08

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8 JEREMY FOGEL
9 UNITED STATES DISTRICT JUDGE
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